

REMARKS

Amendment summary

Claims 1 and 11 are amended to recite that the first and second insulating resin layers are laminated partly in contact with each other. Support for this amendment may be found at least, e.g., in Figure 6 and page 11, line 26 to page 12, line 2 of the present specification.

Claims 14 and 15 are newly added. Support for these claims may be found, e.g., at least at page 11, lines 2-3 and page 8, line 14, respectively, of the present specification.

No new matter is added by this Amendment, and Applicants respectfully request entry of the Amendment.

Status of the claims

Claims 1 and 7 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Bittner (U.S. Patent No. 3,831,636). In addition, claims 11-13 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by, or alternatively under 35 U.S.C. § 103(a) as allegedly being obvious over Bittner. Further, claims 1, 7-8, and 11-13 have been rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Iyengar (U.S. Patent No. 3,634,606) in view of Bittner.

Response to claim rejections

Applicants respectfully submit that the presently claimed invention is neither anticipated by nor obvious over the cited references.

Applicants first respectfully traverse the rejections on the basis that neither Bittner nor Iyengar relate to the presently claimed flexible pipe for fluids such as gas, water, etc., which has

a safety measure to induced lightning caused by lightening. Thus, it is not surprising that the structures disclosed in Bittner and Iyengar are considerably different from the presently claimed invention.

The present claims recite that the first resin layer and the second resin layer are laminated partly in contact with each other. This structure is not present in either Bittner or Iyengar. In Bittner, “Plastic foil 9” and “Plastic foil 11” cannot be laminated in contact with each other, since “Armoring strips 6” cover the entire corrugated metal tube (see, e.g., claim 1 of Bittner). In Iyengar, “Plastic adhesive bonding strip 30” and “Thermoplastic jacket 22” cannot be laminated in contact with each other because “Plastic adhesive bonding strip 30” causes the “Copper strip 32” and “Tin-coated steel strip 26” to bond together. Accordingly, neither Bittner nor Iyengar disclose or suggest the presently recited lamination.

Applicants note with respect to newly added claim 14 that neither Bittner nor Iyengar discloses or suggests the recited gaps in the broken portions. This aspect of the claims comes from the fact that the metal tape is fractured and has a gap. Conversely, the armoring of Bittner is provided by flat wires or strips 6 (see column 3, lines 7-8 of Bittner), and is always under tension (see column 3, lines 13-15 of Bittner). Thus, no gap exists in the structure disclosed in Bittner. Regarding the disclosure of Iyengar, buttstrap 36 of Iyengar is made of steel tap and is used as a seal of the seam 42 formed from the abutting edges 34 of the outer conductor 14. Thus, in order to maintain the seal, a gap does not exist. Applicants therefore respectfully submit that the subject matter of claim 14 is neither disclosed nor suggested by the cited art.

Applicants also note that newly added claim 15 recites that the thickness of the metal tape is 0.02-0.1 mm, and thus the metal tape is comparatively thin. This thickness is neither disclosed nor suggested by either Bittner or Iyengar. According to information from Precision Steel

Warehouse Inc., for example, (a copy of which is attached for the Examiner's convenience) the strip steel or the flat wire of Bittner appear to be, at the thinnest, 0.254 mm (for strip steel made of spring steel (see <http://precisionsteel.com/spring-steel/special-temper-high-carbon-strip>)), 0.152 mm (for strip steel made of low carbon steel (see <http://precisionsteel.com/low-carbon-steel/strip-steel/no-1-temper>)), and 0.812 mm (for flat wire made of low carbon steel (see <http://precisionsteel.com/low-carbon-steel/flat-wire-steel>)). All of these thicknesses are greater than the presently claimed 0.1 mm. Iyengar also fails to disclose or suggest the presently claimed thickness, as the thickness of buttstrap 36 of Iyengar is 0.150 mm (6 mil) (see column 2, lines 58-59 of Iyengar). Applicants therefore respectfully submit that none of the cited references disclose or suggest the subject matter of claim 15.

In view of the above, Applicants respectfully submit that neither Bittner nor Iyengar disclose or suggest the presently claimed invention, and neither of the references, alone or in combination anticipate or render obvious the presently claimed invention. Accordingly, Applicants respectfully request the reconsideration and withdrawal of these rejections.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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